IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Crl.MC.No. 3538 of 2003()

CRIME NO.95/03 OF PARAPPANANGADI POLICE STATION

PETITIONER: ACCUSED:

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1. THUPRAN, S/O. VELAYUDHAN,
   PAROL PUTHUSSERY HOUSE, ARIYALLOOR AMSOM,
   THIRURANGADI TALUK, MALAPPURAM DISTRICT.

2. RAJESH, S/O. THUPRAN,
   PAROL PUTHUSSERY HOUSE, ARIYALLOOR AMSOM,
   THIRURNAGADI TALUK, MALAPPURAM DISTRICT.

3. PADMINI, W/O. THUPRAN,
   PAROL PUTHUSSERY HOUSE, ARIYALLOR AMSOM,
   THIRURANAGADI TALUK, MALAPPURAM DISTRICT.

4. V.MURALIDHARAN, S/O. NARAYANAN NAIR,
   VALIYATOOR HOUSE ARIYALLOOR P.O., THIRURANGADI,
   MALAPPURAM DISTRICT.

5. APPUKUTTAN, S/O. VELAYUDHAN,
   PAROL PUTHUSSERY HOUSE, ARIYALLOOR AMSOM,
   THIRURNAGADI TALUK, MALAPPURAM DISTRICT.

6. BALAN, S/O. VELAYUDHAN,
   PAROL PUTHUSSERY HOUSE, ARIYALLOOR AMSOM,
   THIRURNAGADI TALUK, MALAPPURAM DISTRICT.

7. VIJAYAN, S/O. BALAN,
   PAROL PUTHUSSERY HOUSE, ARIYALLOOR AMSOM,
   THIRURNAGADI TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.JOSE THETTAYIL
SMT.K.P.SREELATHA

RESPONDENTS: COMPLAINANTS:

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1. SHAJU, S/O. SANKARAN,
   PARAKKANNI THARAYIL HOUSE, ARIYALLOOR AMSOM,
   PARAPPANANGADI, MALAPPURAM DISTRICT,PIN-676312.

2. MANMADHAN, S/O. MADHAVAN,
   PARAKKANNI THARAYIL HOUSE, ARIYALLOOR AMSOM,
   PARAPPANANGADI, MALAPPURAM DISTRICT.

3. VELAYUDHAN, S/O. KANNAN,
   PARAKKANNI THARAYIL HOUSE, ARIYALLOOR AMSOM,
   PARAPPANANGADI, MALAPPURAM DISTRICT.

4. DEPUTY SUPERINTENDENT OF POLICE,
   MALAPPURAM DISTRICT.

5. SUB INSPECTOR OF POLICE, PARAPPANANGADI.

6. STATE OF KERALA-REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY ADV. SRI.K.RAMACHANDRAN
SRI.P.RAMACHANDRAN
PUBLIC PROSECUTOR SRI.PUZHAKKARA MUHAMMED

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl.M.C. No. 3538 OF 2003 B

Dated this the 29th day of June, 2007

O R D E R

Petitioners, who are accused Nos.1 to 7 in Crime No.95/2003 of Parappanangadi Police Station registered for offences punishable under sections 341, 323, 324, 427 and 354 read with section 34 IPC and section 3(1)(X) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, seek to quash the FIR and all further proceedings in the above case.

2. Annexure-A2 is the FIR and Annexure-A3 is the F.I. Statement. A reading of the F.I.Statement clearly shows that there are averments to indicate the commission of offences alleged against the petitioners. It is too early to accept the petitioners' contention that the complaint is the product of enmity arising out of the existing disputes. When the allegations in the complaint prima facie constitute the commission of the offences alleged, it is not within the province of this court to travel beyond the averments in the complaint and hold that the same is liable to be quashed. This revision is devoid of any merit and is accordingly dismissed.

Sd/-
(V. RAMKUMAR, JUDGE)

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True Copy

P.A. to Judge

V. RAMKUMAR, J.

Crl.M.C. No. 3538 OF 2003 B

O R D E R

29th day of June, 2007